HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 17060 of 2007

Between:

N. Janaki Ramaiah

... Petitioner

AND

Government of Andhra Pradesh, rep., by its
Principal Secretary, Home Department,
Secretariat Buildings, Hyderabad
& three others.

... Respondents

: ORDER :

Counsel for the petitioner : Shri P. Girish Kumar

Dated: 10th August, 2007

Per G.S. SINGHVI, CJ.

In this petition filed by N.Janaki Ramaiah in the name of public interest litigation, prayer has been made for issue of a mandamus to respondent No.2 – Election Commission of India to de-recognise two political parties namely, Communist Party of India (Marxist) (respondent No.3) and Communist Party of India (respondent No.4) with a further direction to the Government of Andhra Pradesh to impose ban on them.

In the affidavit filed by him, the petitioner has made a reference to the call given by respondent No.3 to the members of the public to take over the government land and averred that as a result of provocative speeches given by the leaders of the political parties, poor and illiterate people are entering upon the government lands and planting red flags and also putting huts. He has then averred that the police are facing tough time to control these people and a serious law and order problem has occurred in the State. He has also referred to the death of eight persons in police firing, which took place in Mudigonda, Khammam District on 28th July, 2007 and prayed that unless respondent Nos.3 and 4 are restrained from continuing their activity, the common man's life will be put to jeopardy.

We have heard Sri P. Girish Kumar and scrutinised the record. In our opinion, in the guise of instituting pro bono publico litigation, the petitioner is seeking to gain publicity. He has not claimed himself to be a social activist or public spirited person. He has also not shown as to what special interest he has got in the functioning of the political parties. Therefore, it can reasonably be said that he is nothing more than a busy body, bystander or meddlesome interloper, who has invoked the jurisdiction of the Court for the sake of cheap publicity. The petitioner's prayer for de-recognising and banning respondent

Nos.3 and 4 because they have launched a movement for take over of the government land appears to be politically motivated as there is no reason why he did not file any such petition for de-recognising other political outfits and parties, who have, from time to time, launched strikes, bandhs, dharnas etc., which resulted in disruption of public lives, chaos and loss of public property worth millions of rupees.

In **Guruvayoor Devaswom Managing Committee v. C.K. Rajan**[1], the Supreme Court referred to large number of judicial precedents on the subject and laid down guidelines for entertaining petitions filed in public interest. Some of the guidelines are as under:

> "i) The Court in exercise of powers under Article 32 and Article 226 of the Constitution of India can entertain a petition filed by any interested person in the welfare of the people who is in a disadvantaged position and, thus, not in a position to knock the doors of the Court;
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> ii) The Court is constitutionally bound to protect the fundamental rights of such disadvantaged people so as to direct the State to fulfill its constitutional promises;
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> iii) Whenever injustice is meted out to a large number of people, the Court will not hesitate in stepping in. Articles 14 and 21 of the Constitution of India as well as the International Conventions on Human Rights provide for reasonable and fair trial;
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> iv) The common rule of locus standi is relaxed so as to enable the Court to look into the grievances complained on behalf of the poor, the depraved (sic), the illiterate and the disabled who cannot vindicate the legal wrong or legal injury caused to them for any violation of any constitutional or legal right;
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> v) When the Court is prima facie satisfied about variation of any constitutional right of a group of people belonging to the disadvantaged category, it may not allow the State or the Government from raising the question as to the maintainability of the petition;
>
> vi) The dispute between two warring groups purely in the realm of private law would not be allowed to be agitated as a public interest litigation."

In **Ashok Kumar Pandey v. State of West Bengal**[2], the Supreme Court held that the petitions filed in the name of public interest litigation should be entertained with great caution and

circumspection. Paragraphs 11 and 12 of that judgment read as under:

> "11. It is depressing to note that on account of such trumpery proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death and facing the gallows under untold agony, persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters — government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorized collection of tax amounts are locked up, detenus expecting their release from the detention orders etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for the glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the court never moves, which piquant situation creates frustration in the minds of genuine litigants and resultantly, they lose faith in the administration of our judicial system.
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> 12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration.

The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases, with exemplary costs."

In **Dattaraj Nathuji Thaware v. State of Maharashtra**[3], the Supreme Court reiterated the legal position in the following words:

"The court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike a balance between two conflicting interests: (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with impostors and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good.

No litigant has a right to unlimited draught on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions.

Today people rush to courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in courts and among the public.

As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest

> litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases."

Keeping in view the above stated legal position, we hold that the petitioner has failed to make out a case for issue of directions in terms of the prayer made and the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, WPMP. No.21800 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ.

10th August, 2007

C.V. NAGARJUNA REDDY, J.

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[1] (2003) 7 SCC 546

[2] (2004) 3 SCC 349

[3] (2005) 1 SCC 590